be provided to the user based on the state of feeling of the user.

REMARKS

In the Final Office Action mailed on December 19, 2002, claims 1 and 5-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Takayama in view of Nohda (U.S. Patent No. 6,215,875 B1) ("Nohda"); claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Takayama in view Nohda and further in view of Watts; claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Takayama in view of Nohda and further in view of Loder; claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Takayama in view of Nohda and further in view of Vatanen; claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Takayama in view of Nohda and further in view of Barabash; claims 13-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Takayama in view of Nohda and further in view of Klingman; claims 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Takayama in view of Nohda and further in view of Forslund; claims 18 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Takayama in view of Nohda and further in view of Shitara; and claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Takayama in view of Nohda and further in view of Kirkpatrick (U.S. Patent No. 5,933,776) ("Kirkpatrick"). The foregoing rejections are respectfully traversed.

Claims 1-2, 5-11, 13-19, and 26 are pending in the subject application, of which claims 1, 5, 13, and 26 are independent. The specification and claims 13 and 26 are amended and claim 14 is cancelled. Care has been exercised to avoid the introduction of new matter. A Version With Markings To Show Changes Made to the specification and amended claims is included herewith.

Entry of Amendment After Final Rejection:

The Applicant respectfully asserts that the amendments presented herein require only a cursory review by the Examiner, and respectfully requests that the Examiner enter such amendments.

Support for Claim Amendments:

Claim 14 is canceled herein, and the recitation formerly therein is amended herein into claim 13.

Support for the amendments to claim 26 may be found in the Specification in Figures 10-12 of the Specification.

Claim Rejections:

In Kirkpatrick, customer dissatisfaction is reported by the customer personally, not via the phone technology (Kirkpatrick, col. 3, lines 60-62). The phone is then tested to determine the problem about which the customer complains using test equipment in the network, not in the phone (Kirkpatrick, col. 3, lines 65-67; col. 5, lines 1-4). The test hardware measures phone operation, not the customer's state of feeling (Kirkpatrick, col. 5, lines 4-5).

Claim 26 of the subject application (as amended herein) recites "an input unit to receive a present state of feeling of a user via at least one button."

In the Response to Arguments and Conclusion, on page 13 of the Office Action, the Examiner cited Kirkpatrick as disclosing the means for determining whether service can be provided to the user based on a present state of the user. In claim 26, the portable communication device registers the user's state of feeling whereas in Kirkpatrick, the customer's state of feeling, i.e., dissatisfaction, is reported by the customer personally, not via any phone technology.

Claims 13 of the subject application (as amended herein) recites that the "portable communication device includes a specific key for inputting the user's state of feeling."

Claim 13 is patentably distinguishable over the cited references as discussed in the Amendment filed on October 3, 2002. Further, claim 13 is patentably distinguishable over Kirkpatrick, in part, for the same reasons as discussed above in regard to claim 26.

Claims 1 and 5 of the subject application recite that "an enciphering and deciphering method used by said enciphering/deciphering processor is changed by changing software installed in said enciphering/deciphering processor."

The Examiner cited Nohda as disclosing the changing of the decrypting method and apparatus. Nohda discusses a cipher processor 11 that contains cipher processor circuit 22 and

memory 21 (Nohda, Figs. 1 and 2). When encrypted data is received, a read program is loaded into cipher processor circuit 22 from memory 21 (Nohda, col. 3, lines 62-col. 4, line 8). When a new cipher processing program is needed, it is received by external loading interface 24 (also included in cipher processor 11), stored in memory 21, and loaded into cipher processing circuit 22 (Nohda, col. 4, lines 17-48; Fig. 3, ref. nos. SP2, SP4).

However, as asserted in the October 3, 2002 Amendment, Takayama teaches away from the present invention. The Examiner did not address that argument in the current Office Action. Specifically, the Applicants refer the Examiner to the argument at page 7, 3rd full ¶ through page 8, 1st partial ¶ of the Amendment filed on October 3, 2002.

In addition, the Applicants respectfully submit that the motivation to combine Takayama and Nohda is inadequate (see October 3, 2002 Amendment for applicable legal standard). Again, the Examiner's sole support for the combination is the benefit of the combination (Office Action, p. 4), which is simply not enough.

Therefore, claims 1 and 5 are patentably distinguishable over the cited references.

Dependent claims 2, 6-11, and 14-19 are allowable based in part on their dependency, directly or indirectly, from one of claims 1, 5, 13, and 26.

Withdrawal of the foregoing rejections is respectfully requested.

There being no further objections or rejections, it is submitted that the application is in condition for allowance, which action is courteously requested. Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters. If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 3-19-2003

By: _____

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

Please REPLACE the paragraph beginning at page 17, line 21, with the following paragraph:

-- FIG. 21 is an illustration for explaining a control path from the portable telephone to the attachment. --

IN THE CLAIMS:

Please CANCEL claim 14.

Please AMEND claims 13 and 26. The remaining claims are reprinted, as a convenience to the Examiner, as they presently stand before the U.S. Patent and Trademark Office.

1. (TWICE AMENDED) A portable communication device for communicating with a remote communication terminal, the portable communication device being configured and arranged to be used in a digital money system, comprising:

a remote communication interface interfacing radio-frequency communication with a remote communication terminal;

a short-distance communication interface interfacing wireless communication with a communication terminal located at a point of transaction involving the use of digital money;

inputting unit inputting data or instruction information to said portable communication device;

a memory storing the data input by the inputting unit or data received via said remote communication interface and said short-distance communication interface;

a display unit displaying the data input by said inputting unit or data received via said remote communication interface and said short distance communication interface;

an enciphering circuit enciphering data to be transmitted to the remote communication terminal via said remote communication interface and data to be transmitted via said short-distance communication interface;

a deciphering circuit deciphering data received from the remote communication terminal via said remote communication interface and data received via said short-distance

communication interface; and

a controlling unit controlling each of said remote communication interface, said short-distance communication interface, said inputting unit, said memory, said display unit, said enciphering circuit and said deciphering circuit,

wherein said enciphering circuit and deciphering circuit are constituted by an enciphering/deciphering processor, and an enciphering and deciphering method used by said enciphering/deciphering processor is changed by changing software installed in said enciphering/deciphering processor.

2. (UNAMENDED) The portable communication device as claimed in claim 1, wherein said inputting unit includes at least one of voice inputting device and an operational key panel.

3-4. (CANCELED)

5. (TWICE AMENDED) A digital money system for using digital money to pay for a purchase as service, comprising:

a computer of a financial institution;

a radio base station in communication with said computer of the financial institution;

a store terminal receiving digital money data for payment; and

a portable communication device in communication with said radio base station via a radio frequency, said portable communication device also in communication with said store terminal in a wireless manner; and

wherein said portable communication device stores the digital money data transmitted from said computer of the financial institution after deciphering the digital money data; and

said portable communication device transmits the digital money data for payment to said store terminal after enciphering the digital money data for payment,

wherein said portable communication device comprises:

a remote communication interface interfacing radio-frequency communication with said radio base station;

a short-distance communication interface interfacing wireless communication with said store terminal located at a point of transaction involving the use of digital money;

inputting unit inputting data or instruction information to said portable communication device;

a memory storing the data input by the inputting unit or data received via said remote communication interface and said short-distance communication interface;

a display unit displaying the data input by said inputting unit or data received via said remote communication interface and said short distance communication interface;

an enciphering circuit enciphering data to be transmitted to said computer of the financial institution via said remote communication interface and data to be transmitted to said store terminal via said short-distance communication interface;

a deciphering circuit deciphering data received from said computer of the financial institution via said remote communication interface and data received from said store terminal via said short-distance communication interface; and

a controlling unit controlling each of said remote communication interface, said short-distance communication interface, said inputting unit, said memory, said display unit, said enciphering circuit and said deciphering circuit,

wherein said enciphering circuit and deciphering circuit are constituted by an enciphering/deciphering processor, and an enciphering and deciphering method used by said enciphering/deciphering processor is changed by changing software installed in said enciphering/deciphering processor.

6. (ONCE AMENDED) The digital money system as claimed in claim 5, wherein said store terminal includes customer information storing means for storing information regarding a customer so that, when the customer makes a payment by the digital money via said store terminal, said store terminal stores information regarding the payment in said customer information storing means, the information regarding the payment includes information regarding an item for which the payment is made, an amount of payment and date and time of the payment, and said store terminal transmits the information regarding the payment to said portable communication device together with store information to said short-distance communication interface of said portable communication device.

7. (UNAMENDED) The digital money system as claimed in claim 6, wherein said portable communication device receives the information regarding the payment via said short-distance communication interface, and stores the information regarding the payment in said memory.

8. (UNAMENDED) The digital money system as claimed in 7, wherein said portable

communication device displays at least a part of the information regarding the payment on said display unit.

9. (UNAMENDED) The digital money system as claimed in claim 8, wherein said portable communication device sends a request for service to said store terminal via said short-distance communication interface when an amount of payment or points exceeds a predetermined level, and said store terminal determines whether use of the digital money by said portable communication device satisfies a predetermined requirement so as to transmit digital data corresponding the requested service to said portable communication device when the use of the digital money by said portable communication device satisfies the predetermined requirement.

10. (UNAMENDED) The digital money system as claimed in claim 7, wherein said portable communication device sends the information regarding the payment to said computer of the financial institution via said remote communication interface and said radio base station, and said computer of said financial institution produces a household account book based on the information regarding the payment sent from said portable communication device by using household account book software installed in said computer of the financial institution.

11. (UNAMENDED) The digital money system as claimed in claim 10, wherein said computer of the financial institution sends data corresponding to the household account book to a communication terminal of a user of said portable communication device so that the household account book is displayed on a computer or a television set connected to the communication terminal periodically or upon a request by the user.

12. (CANCELED)

13. (TWICE AMENDED) A service providing system comprising:

a service provider terminal of a provider of service;

a service center including service information storing means for storing information including information regarding various kinds of service which can be provided to a user, information regarding availability of service provided by the provider and information regarding message to be provided to the user, said service center further including determining means for determining whether or not service can be provided to the user based on a present state of the

user;

a radio base station connected to said service center; and

a portable communication device comprising remote communication means for communication with said radio base station, said portable communication device further comprising inputting means for inputting information regarding a user's state of feeling,

wherein said portable communication device sends the information regarding the user's state of feeling to said service center by said remote communication means when the information regarding the user's state of feeling is input by said inputting means, [; and]

wherein said service center determines whether there is service which can be provided to the user by said determining means when said service center receives the information regarding the user's state of feeling, and sends the message stored in said service information storing means to said portable communication device when the service which can be provided to the user is present, and

wherein said portable communication device includes a specific key for inputting the user's state of feeling so that the user can input information regarding the present state of the user by pressing the specific key.

14. (CANCELED)

15. (UNAMENDED) The service providing system as claimed in claim 13, wherein said radio base station is installed at a plurality of locations so that a position of said portable communication device is determined by exchanging signals between said portable communication device and said radio base station, and said determining means determines whether or not there is service which can be provided to the user based on positional information of said portable communication device.

16. (UNAMENDED) The service providing system as claimed in claim 13, wherein said portable communication device further comprises short-distance communication means for communicating with said service provider terminal and storing means for storing user information, and wherein said portable communication device sends the user information stored in said storing means to said service provider terminal when said portable communication device receives a message to the user from said service center.

17. (UNAMENDED) The service providing system as claimed in claim 16, wherein

said portable communication device receives the message to the user from said service provider terminal and outputs the message by voice so that the user sends the user information stored in said storing means to said service provider terminal via said short-distance communication means so as to make a reservation after hearing the voice message.

18. (UNAMENDED) The service providing system as claimed in claim 13, wherein said service center further comprises:

temporary telephone number setting and announcing means for setting a temporary telephone number to the service and announcing the temporary telephone number to a telephone station when service provided by said provider is time limited service; and

temporary telephone number canceling means for canceling the temporary telephone number when the service is completed,

wherein said service center provides information to said portable communication device by using the temporary telephone number, and cancels the temporary telephone number by said temporary telephone number canceling means when the service is completed.

19. (UNAMENDED) The service providing system as claimed in claim 18, wherein said provider of service sets the same temporary telephone number to each portable communication device when the same service is provided to each portable communication device.

20-25. (CANCELED)

26. (ONCE AMENDED) A portable communication device, comprising:

an input unit to receive a present state of feeling of a user via at least one button; and

a communication unit to transmit the present state of feeling of the user to a remote terminal and to receive a transmission from the remote terminal indicating whether a service can be provided to the user based on the state of feeling of the user.